

THE CORPORATION OF THE CITY OF KENORA

BY-LAW NO. 27-2002

A BY-LAW TO AUTHORIZE THE ENTERING INTO CERTAIN AGREEMENTS BETWEEN THE CORPORATION OF THE CITY OF KENORA AND HER MAJESTY THE QUEEN IN RIGHT OF CANADA AS REPRESENTED BY THE MINISTER OF TRANSPORT

WHEREAS paragraph 35 of Section 207 of the Municipal Act authorizes the Council of the Corporation of the City of Kenora to pass by-laws for maintaining and operating wharfs, piers, docks and harbours, and for regulating the use of such facilities;

AND WHEREAS Section 19(1) of the Municipal Act authorizes the Council of the Corporation of the City of Kenora to pass by-laws for acquiring any land required for the purposes of the corporation;

AND WHEREAS the Council of the Corporation of the City of Kenora deems it desirable to acquire the Main Street Wharf, the Second Street Wharf and the Matheson Street Wharf and lands owned by Her Majesty the Queen in Right of Canada and located in the City of Kenora;

AND WHEREAS the Council of the Corporation of the City of Kenora and Her Majesty the Queen in Right of Canada as represented by the Minister of Transport Canada have agreed to the transfer of the wharves and lands in accordance with an Agreement to Transfer, Operating Agreement, Contribution Agreement and Option to Purchase Agreement between the parties.

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the City of Kenora hereby enacts as follows:-

1. That the Mayor and Clerk be and are hereby authorized to execute under corporate seal and deliver on behalf of the municipality the Agreement to Transfer, Operating Agreement, Contribution Agreement, Assignment, Assumption and Indemnity Agreement and Option to Purchase Agreement.
2. That the Mayor and Clerk be and are hereby authorized to execute and deliver such certificates, acknowledgements, undertakings and other documents as may be reasonably necessary to complete the transfer of the Main Street Wharf, the Second Street Wharf and the Matheson Street Wharf and lands in accordance with the foregoing agreements.
3. That a maintenance reserve fund be established for the exclusive use of the ongoing operating maintenance costs of the Main Street Wharf, the Second Street Wharf and the Matheson Street Wharf, and that all funds transferred by Transport Canada as part of this agreement be allocated to the reserve fund.
4. That this By-Law shall come into force and be in effect from and after the final passing thereof.

BY-LAW READ A FIRST AND SECOND TIME THIS 25th DAY OF February , 2002.

BY-LAW READ A THIRD AND FINAL TIME THIS 25th DAY OF February , 2002

THE CORPORATION OF THE CITY OF KENORA

PER: 
DAVID CANFIELD - MAYOR

PER: 
JOANNE MCMILLIN - CITY CLERK